

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ERNEST COOK

Plaintiff,

vs.

BOARD OF TRUMBULL COUNTY
COMMISSIONERS

Defendant.

) CASE NO. 4:22-cv-00077 BYP
)
) JUDGE BENITA PEARSON
)
) **PLAINTIFF'S UNOPPOSED MOTION**
) **FOR A ONE-WEEK EXTENSION OF**
) **TIME TO FILE HIS OPPOSITION TO**
) **DEFENDANT'S MOTION FOR**
) **SUMMARY JUDGMENT**
)

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a one-week extension of time to file his opposition to Defendant's Motion for Summary Judgment.

The reasons for this Motion are described in the Memorandum attached hereto and incorporated herein by reference.

This Motion is not interposed solely for purposes of delay, but rather, because Plaintiff's counsel is just recovering from Covid. (Ex. 1, C. Groedel's Declaration)

This is Plaintiff's first request for an extension; the granting of this request will not cause Defendant any prejudice or harm; and defense counsel has stated that she does not oppose the requested extension.

WHEREFORE, Plaintiff respectfully requests that his Motion be granted, and that the Court grant him leave until June 19, 2023, to file his Opposition to Defendants' Motion for Summary Judgment.

Respectfully submitted,

/s/ Caryn M. Groedel
Caryn M. Groedel (0060131)
cgroedel@groedel-law.com
Caryn Groedel & Associates Co., LPA

208 Spriggel Drive
Munroe Falls, OH 44262
1291 SW Mulberry Way
Boca Raton, FL 33486
Ph: (440) 230-3808
(440) 207-9557
Fax: (440) 664-2478
Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the forgoing was filed electronically this 12th day of June, 2023. Notice of this filing will be sent by the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Caryn M. Groedel

Caryn M. Groedel

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION FOR A ONE WEEK
EXTENSION OF TIME TO RESPOND TO DEFENDANTS’ MOTION FOR SUMMARY
JUDGMENT**

I. REASON FOR REQUEST

Plaintiff’s Response in Opposition to Defendant’s Motion for Summary Judgment is due today, June 12, 2023. However, Plaintiff’s counsel has been out with Covid since Tuesday, June 6, 2023, and today is her first day back to work. (See Ex. 1, Groedel Decl.)

II. LAW AND ARGUMENT

Under state and federal law, judges have authority to regulate the proceedings over which they preside and issue any order that may be necessary to protect a witness or party. Courts throughout the Sixth Circuit have held that courts should freely grant leave when there will be no prejudice to the opposing party, and when justice so requires and interpret this rule liberally. See, e.g., *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Shane v. Bunzl Distribution USA, Inc.*, 200 F. App’x 397, 406 (6th Cir. 2006).

A. There is no undue delay, bad faith, or dilatory motive on Plaintiff’s part.

The good faith basis for Plaintiff’s request is that Plaintiff’s counsel has been sick with Covid since June 6, 2023, and this is her first day back to work. Plaintiff’s counsel would have requested the extension earlier, but was, quite literally, too tired to draft or review any documents.

B. Granting Plaintiff’s Motion will not cause undue prejudice to Defendant.

Courts determine prejudice by, *inter alia*, considering whether granting a request would require the opposing party to expend additional resources; would significantly delay the resolution of the dispute; and/or other matters that could cause harm to the opposing party.

Phelps v. McClellan, 30 F. 3d 658, 662–663 (6th Cir. 1994). Delay alone does not justify denial of a motion for additional time. *Mote v. City of Chelsea*, 252 F. Supp. 3d 642, 655 (E.D. Mich. 2017).

Plaintiff's request is made in good faith, not for the purpose of unnecessary delay, and the granting of it will not result in prejudice to Defendant.

III. CONCLUSION

WHEREFORE, Plaintiff respectfully requests his Motion be granted.

Respectfully submitted,

/s/ Caryn M. Groedel

Caryn M. Groedel (0060131)
CARYN GROEDEL & ASSOCIATES CO., LPA
cgroedel@groedel-law.com
208 Spriggel Drive
Munroe Falls, OH 44262
1291 SW Mulberry Way
Boca Raton, FL 33486
Ph: (440) 230-3808
(440) 207-9557
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of June, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Caryn M. Groedel

Caryn M. Groedel